



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,452	08/19/2003	N. S. Ramesh	D-30321-01	4135

7590 03/30/2006
Sealed Air Corporation
P.O. Box 464
Duncan, SC 29334

EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,452

Applicant(s)

RAMESH ET AL.

Examiner

Victor S. Chang

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-33 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 6, 7, 9-11, 17, 18, 23, 24, 32 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 8, 12-16, 20-22 and 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. The Examiner has carefully considered Applicants' amendments and remarks filed on 2/10/2006. Applicants' cancellation of claim 19 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Rejections not maintained are withdrawn. In particular, Applicants' argument "Rauh fails to teach or suggest "from about 5 to about 50 weight parts of particles dispersed in the thermoplastic polymer per 100 weight parts of particles of the thermoplastic polymer" (Remarks, page 5, 5th paragraph) is persuasive, and the rejection over Rauh alone in sections 4 and 6 of Office action mailed 9/8/2005 is withdrawn. However, an additional search is required, and it yielded a new reference. The Rauh reference in view of the new reference is found to render obvious the instant claimed invention as follows. Applicant's comments regarding the prior art are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5, 8, 12-16, 20-22 and 25-31 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Rauh (US 3698993) in view of McCluer et al. (US 3253947).

Rauh's invention relates to a closed cell foamed thermoplastic sound deadening sheet having distributed particulate matter of sizes ranging from 40 to 200 mesh (i.e., 74-400 microns). The sheet is from 1/8 to 1/4 inch thick (abstract). Rauh teaches that polyethylene may be used for forming the sheet (column 3, lines 21-23). Further, Rauh expressly teaches that the preferable particles are metallix oxides, etc. (column 3, lines 36-38), which reads on mica of instantly claimed invention. Regarding the electrically conductive particles, since they are claimed as optional, there is no requirement for the prior art to provide or account for them. Further, it should be noted that the elected filler particles of mica is inherently electrically non-conductive.

For claims 1, 5, 8, 12-16 and 25-29, Rauh lacks a teaching of the weight law for desired sound transmission loss or attenuation. However, it is noted that McCluer's invention is also directed to a flexible sound attenuating (deadening) material. In Fig. 1 McCluer shows the weight law of general relationships between material weight, sound transmission loss and frequency, and expressly teaches that based on noise level and frequency range, various weights per square foot of the material are required to give the attenuation desired. The choice of the weight of the material product will be determined by how much transmission loss is desired or required (column 7, lines 16-36). As such, in the absence of unexpected results, it would have been obvious to one of ordinary skill in the art to adjust and obtain a suitable amount of particles in Rauh's foam, i.e., the ratio between the particles and foamed

thermoplastic, motivated by the desire to obtain a desired transmission loss (sound attenuation) at required frequency.

For claims 20-22, 30 and 31, Rauh is silent about the density and flexural modulus of the closed cell foamed thermoplastic sound deadening sheet. However, since Rauh in view of McCluer teaches the same subject matter (flexible sound deadening sheet material), made by the same process (extrusion), and for the same use as the instant invention, in the absence of unexpected results, it is the Examiner's position that suitable density and flexural modulus of the sheet product are obvious optimizations to one skilled in the art of sound deadening foam sheet. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

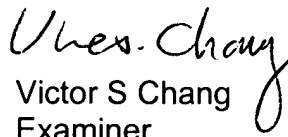
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S. Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Victor S Chang
Examiner
Art Unit 1771

3/27/2006